

- (A) a rural community; or
- (B) an economically disadvantaged community, including an economically disadvantaged minority community;
- (3) the amount of appropriations a project has received;
- (4) the funding capability of the Corps of Engineers with respect to the project;
- (5) whether the project could be carried out under other Federal authorities at an equivalent cost to the non-Federal interest; and
- (6) any other criteria that the Secretary considers to be appropriate.

**(c) Inclusion in guidance**

The Secretary shall include the criteria developed under subsection (a) in the annual Civil Works Direct Program Development Policy Guidance of the Secretary.

**(d) Report to Congress**

For fiscal year 2022, and biennially thereafter, in conjunction with the President’s annual budget submission to Congress under section 1105(a) of title 31, the Secretary shall submit to the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that identifies the Secretary’s ranking of individual environmental assistance projects authorized by Congress for the Secretary to carry out, in accordance with the criteria developed under this section.

(Pub. L. 116–260, div. AA, title I, §137, Dec. 27, 2020, 134 Stat. 2650.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2020, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

**Statutory Notes and Related Subsidiaries**

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

DEFINITIONS

For definition of “economically disadvantaged community” as used in this section, see section 160 of div. AA of Pub. L. 116–260, set out as a note under section 2201 of this title.

**§ 2342. Access to water resource data**

**(a) In general**

Using available funds, the Secretary shall make publicly available, including on the Internet, all data in the custody of the Corps of Engineers on—

- (1) the planning, design, construction, operation, and maintenance of water resources development projects; and
- (2) water quality and water management of projects owned, operated, or managed by the Corps of Engineers.

**(b) Limitation**

Nothing in this section may be construed to compel or authorize the disclosure of data or other information determined by the Secretary to be confidential information, privileged information, law enforcement information, national security information, infrastructure security information, personal information, or information the disclosure of which is otherwise prohibited by law.

**(c) Timing**

The Secretary shall ensure that data is made publicly available under subsection (a) as quickly as practicable after the data is generated by the Corps of Engineers.

**(d) Partnerships**

In carrying out this section, the Secretary may develop partnerships, including through cooperative agreements, with State, tribal, and local governments and other Federal agencies.

(Pub. L. 110–114, title II, §2017, Nov. 8, 2007, 121 Stat. 1077; Pub. L. 114–322, title I, §1135, Dec. 16, 2016, 130 Stat. 1656.)

**Editorial Notes**

CODIFICATION

Section was enacted as part of the Water Resources Development Act of 2007, and not as part of the Water Resources Development Act of 1986 which comprises this chapter.

AMENDMENTS

2016—Pub. L. 114–322 amended section generally. Prior to amendment, section related to access to water resource data.

**Statutory Notes and Related Subsidiaries**

DATA TRANSPARENCY

Pub. L. 116–260, div. AA, title I, §158(b), Dec. 27, 2020, 134 Stat. 2662, provided that: “The Secretary [of the Army] shall prioritize making publicly available water resources data in the custody of the Corps of Engineers, as authorized by section 2017 of the Water Resources Development Act of 2007 (33 U.S.C. 2342).”

“SECRETARY” DEFINED

Secretary means the Secretary of the Army, see section 2 of Pub. L. 110–114, set out as a note under section 2201 of this title.

**§ 2343. Independent peer review**

**(a) Project studies subject to independent peer review**

**(1) In general**

Project studies shall be subject to a peer review by an independent panel of experts as determined under this section.

**(2) Scope**

The peer review may include a review of the economic and environmental assumptions and projections, project evaluation data, economic analyses, environmental analyses, engineering analyses, formulation of alternative plans, methods for integrating risk and uncertainty, models used in evaluation of economic or environmental impacts of proposed projects, and any biological opinions of the project study.